

APPEAL NO. 020789  
FILED MAY 15, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on March 11, 2002, the hearing officer determined that the respondent's (claimant) compensable injury of \_\_\_\_\_, includes right carpal tunnel syndrome (CTS) and the cervical spine. The appellant (carrier) has requested our review of this determination for evidentiary sufficiency, stressing that the mechanism of injury, a "pop" of the right shoulder, which resulted in the shoulder injury which the carrier accepted, would not result in the CTS and a neck injury. The carrier further contends that the claimant did not prove the cause of her CTS and cervical spine injury with expert evidence. The claimant's response urges the correctness of the hearing officer's determination.

DECISION

Affirmed.

The claimant testified that on \_\_\_\_\_, while standing on her tiptoes lifting a box of cantaloupes onto a shelf above her head, she felt a "pop" in her right shoulder; that she sought medical treatment and complained about pain on the right side of her neck and in her right hand but that the doctors concentrated on treating her shoulder, which included shoulder surgery in September 2000; that after the surgery, her neck and hand pain and numbness continued; and that specialists now want to perform surgery on her neck and right wrist. The carrier stressed the absence of neck and hand complaints in many of the medical records as well as inconsistencies in the medical records.

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). Given the nature of the claimed neck and right CTS injuries and the undisputed mechanism of injury, we do not find that expert evidence on causation was required. Further, several of the medical records relate the disputed injuries to the \_\_\_\_\_, incident. We are satisfied that the hearing officer's finding that on \_\_\_\_\_, the claimant suffered damage or harm to her cervical spine and right wrist, in addition to her right shoulder, when shelving a box of cantaloupes is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **THE AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DOROTHY C. LEADERER  
1999 BRYAN STREET  
DALLAS, TEXAS 75201.**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge